

Purpose

To define Department policy regarding Outdoor Advertising.

To establish the procedure and to place responsibility for issuing new permits for outdoor advertising signs.

To establish the procedure and to place responsibility for renewing one-year permits for outdoor advertising signs.

To establish the procedure and to place the responsibility for removal of illegal outdoor advertising signs under Section 27-12-136.9, Utah Code.

To establish the procedure and to place responsibility for revoking a permit and removing permitted illegal outdoor advertising signs under Section 27-12-136.9, Utah Code.

To establish the procedure and to place responsibility for handling requests to alter or change a conforming outdoor sign or structure.

To establish the procedure and to place responsibility for determining damaged signs, destroyed signs, and signs requiring maintenance.

To establish the procedure and to place responsibility for outdoor advertising sign inventory.

To establish the procedure and to place responsibility for maintaining a correct inventory list of outdoor advertising signs.

To establish the procedure and to place the responsibility for determination of current inventory numbers for outdoor advertising signs.

To establish the procedure and for using Federal-aid project and authority numbers for outdoor advertising sign inventory and sign removals.

To establish the procedure and to place responsibility for identification and control of documents and correspondence for controlled outdoor advertising signs.

To establish the procedure for hearings coming before the Utah Department of Transportation arising out of disputes concerning outdoor advertising signs.

To establish the procedure in preparation for court trial proceedings involving issues on outdoor advertising signs.

To establish the procedure for providing guidance or assistance to the Regions on outdoor advertising sign matters.

Policy

The Congress of the United States of America and the State Legislature of Utah have enacted legislation to regulate and control outdoor advertising, in order to protect the public investment in areas adjacent to the Interstate and Primary highway system. To preserve the natural scenic beauty of lands bordering on such highways and to provide consideration of public safety, health, welfare, convenience and enjoyment of public travel, it shall be the policy of the Utah Department of Transportation to not rent or lease State-owned property in areas controlled under the Highway Beautification Act for the purpose of erection and maintenance of outdoor advertising signs.

Legislation referenced in this policy can be located in the Utah Outdoor Advertising Controls and Rules pamphlet revised in 1994.

Background

Only legally permit able sign shall receive an inventory number.

General Guidelines

UDOT GUIDELINES FOR RESPONDING TO REQUESTS TO CONTROL VEGETATION AND UDOT RIGHT OF WAY

1. Sign company/business submits requests for controlling vegetation to the appropriate Region/District Permits Officer.
2. The Region/District Permits Officer will arrange a three-party field review with representatives from the sign company/business, FHWA, and UDOT. Issues to be considered and their order of priority are:
 - a. Safety.
 - b. Protection of highway features, including right of way and landscaping.
 - c. Protection and preservation of the environment.
 - d. Aesthetics.
 - e. Motorists' view of the sign or business.
3. After the field review, FHWA and UDOT will reach a decision on what, if any, trimming, removal, restoration, banking, or other vegetation control will be allowed. The Permits Officer will then notify the sign company of the decision.

4. Should the sign company/business desire to proceed, in accordance with the decision, the Region/District Permits Officer will issue a permit that will describe what will be allowed, assign responsibility for expenses, describe safety measures to be observed, and attach any explanatory plans or other information.
5. The sign company/business must pay all costs and assume all liability associated with the permitted activities.
6. UDOT will take no more than 60 days to complete Steps 1 through 4, providing the sign company/business is timely in their request to proceed as described in Step 4.
7. Appeal of decisions by the Permits Officer will be made to the Region Director/District Engineer.
8. Permits and renewals shall include a statement that if any unauthorized vegetation control measures are observed, the responsible party will be required to show cause why their permit should not be revoked and the sign removed at their expense.
9. Authority for protection of highways, as covered by these guidelines, is found in Sections 27-12-133, 27-12-134, and 27-12-142. The law enforcement agency with jurisdiction should be called when tree trimming violations are observed and asked to issue citations as appropriate. In consultation with the Landscape Unit, determine what damage has been done and furnish that information to the court for its use in assessing treble damages.

Procedures

Issuing a New Permit for Outdoor Advertising signs

UDOT 08A3-3.1

Responsibility: Applicant

Actions

1. Obtains a Form T-299, Application for a Permit, from the Region/District.
2. Completes application and submits it with a land lease to the Region/District together with the necessary fee for a permit.
3. Places identification marker at the proposed site.

Responsibility: Region/District Permits Officer

4. Evaluates all information on the application form making sure the applicant has completed the application form correctly.
5. Inspects the sign location by county, route, reference point; checks the zoning, commercial-industrial usage where required and spacing site of the sign.
6. Completes Form T-299 from the information gathered and makes recommendation for further action.
7. Forwards the completed application Form T-299 to the Region/District Permits Officer for review and further action.

Responsibility: Chief, Right-of-Way

8. Reviews the Application for a Permit. Issues a fiscal year permit for the sign if it can legally be permitted and forwards the permit and application copies back to the Region/District.

Responsibility: Region/District Permits Officer

9. Returns the pink copy of Form T-299 to the permittee together with the permit plate instructing him to attach the sign permit in accordance with instruction number 5 on the reverse side of the application.

10. Places the region/district copy (yellow) in the region/district files, attaching the land lease to this copy.
11. Checks the sign site 90 days from the date of issuance of the permit plate and determines if the sign is erected in accordance with the application; proceeds to make a sign inventory.

Renewing One Year Permits for Outdoor Advertising Signs

UDOT 08A3-3.2

Responsibility: Region/District Permits Officer

Actions

1. Prints and checks the permit renewal information as to accuracy; sends the original and one copy to the sign owner.

Responsibility: Sign Owner

2. Approves or disapproves the renewal information noting any corrections; returns all renewal applications to the Region/District with a fee of \$25.00 for each sign permit requested.

Responsibility: Region/District Permits Officer

3. Re-checks the information on the application, records any changes or corrections from the permit renewal application.
4. Assigns the renewal permit to the sign and enters the serial number on all copies of the permit renewal application.
5. Returns the office copy (not signed by the applicant) to the sign owner.
6. Keeps accurate record of all permits renewed and fees collected.

Removal of Illegal Outdoor Advertising Signs**UDOT 08A3-3.3**

Responsibility: Region/District Permits Officer

Actions

1. Determines from a complete investigation all facts surrounding the erection and maintenance of the illegal sign which is in violation of Section 27-12-136.1 through 27-12-136.13 of the Utah Code and current Utah Outdoor Advertising Controls and Rules pamphlet revised in 1994.
2. Sends notice of violation to both the landowner and the sign owner by certified mail or personal service, as provided in Section 27-12-136.9 of the Utah Code, informing them that the sign is in violation of the Utah Outdoor Advertising Act; includes specific information as to why the sign is in violation of the Act.
3. Inspects the sign and its site at the expiration of the time period allowed for completing remedial action to determine if the sign owner has complied with the notice to correct the violation.
4. If the violation has been corrected (sign removed), closes the file on the case.
5. If remedial action has not been taken by the sign owner or landowner within the time period allowed, and a hearing has not been held, sign removal and storage is arranged pending disposal instructions.

Revoking a Permit and Removing Permitted Illegal Outdoor Advertising Signs**UDOT 08A3-3.4****Responsibility:** Region/District Permits Officer**Actions**

1. Determines improper sign maintenance, or that a sign is not in compliance with the control procedures outlined in the Federal Highway Beautification Act of 1965, as amended in the Utah Federal Agreement under the Utah Outdoor Advertising Act.
2. Gives the permittee proper notice, by personal service or certified mail, informing him that his sign is in violation of the law (being specific by description) and that he must correct the violation or remove the sign by warning letter provided by the Attorney General's Office.
3. At the expiration of the time allowed to correct the violation, inspects the sign and the site to determine if the permittee has complied with the notice of violation sent.
4. If the violation has been corrected, notifies the sign owner in writing that the sign is no longer in violation and that it is in compliance with the law.
5. If remedial action has not been taken by the sign owner within the time allowed, sends notice under Section 27-12-136.9 to sign owner and landowner by personal service or by certified mail informing them that the sign permit is revoked (stating clearly why the sign has been cited as illegal).
6. If remedial action has not been taken by the sign owner or landowner within the time period allowed, and a hearing has not been held, sign removal and storage is arranged pending disposal instructions.
7. Requires the landowner or their representative to sign receipt for the sign at the time the sign is removed from storage.

Responsibility: Outdoor Advertising Coordinator

8. Reserves the authority to issue violation notices under Sections 27-12-136.8 and 27-12-136.9 of the Utah Code to insure proper enforcement of the Outdoor Advertising Act.

Altering a Conforming Outdoor Advertising Sign or Structure**UDOT 08A3-3.5****Responsibility:** Applicant**Actions**

1. Requests a Form R-407, Application to Alter or Change a Conforming Outdoor Advertising Sign or Structure, from the Region/District Permits Officer.
2. Completes applicant's portion of Form R-407.
3. Submits Form R-407 as completed with \$100 fee to the Region/District Permits Officer.

Responsibility: Region/District Permits Officer

4. Checks the completed Form R-407 for accuracy and completeness. If incomplete information is submitted, returns the Form R-407 with instructions to the applicant.
5. Makes an on-site inspection of the sign to verify that no changes or alterations have been made, or are in progress before the Department gives official approval to change or alter the sign.
6. Verifies that the status of the sign, at the time of inspection, is in conformance with the law.
7. Completes Step One of Form R-407 and gives approval or disapproval to change or alter the sign.
8. Returns applicant's copy (canary) to the sign owner for his action.

Responsibility: Applicant

9. Makes sign changes within sixty (60) days of the clearance data as approved by the Region/District on Form R-407.
10. Notifies the Region/District Permits Officer when the change of alteration is completed.

Responsibility: Region/District Permits Officer

11. Inspects the sign changes completed within the 60-day time period; photographs the sign and completes Step Two of Form R-407. (Makes three photos)

12. Files the white copy of Form R-407 with the original inventory in the Region/District Office and transmits fee collected to the UDOT Comptroller for further handling.

Outdoor Advertising Signs Damaged, Destroyed, or in Need of Maintenance**UDOT 08A3-3.6**

Responsibility: Region/District Permits Officer

Actions

1. By surveillance observes signs that are damaged, destroyed or in need of corrective maintenance and takes photographs of such signs to properly document their condition.
2. Determines the degree of damage or destruction by making written notes to support the photographs; also, determines whether the damage or destruction was the result of vandalism or elements of nature.
3. If the sign is conforming, give written warning notice to the sign owner explaining his observations and specifically setting forth the details for correction. (This procedure shall be used whether the sign is damaged or destroyed by vandalism or elements of nature or is in need of maintenance).
4. If the sign is non-conforming, gives written notice to the sign owner explaining his observation and specifically setting forth the details for correction, except that if the damage or destruction of the sign by natural elements exceed 30% of the depreciated value of the sign as established by Department appraisal methods, explains and states that the sign cannot be repaired or re-erected and must be removed as a totally damaged sign.

Responsibility: Sign Owner

5. In the event that non-conforming sign was damaged or destroyed by vandalism and the sign owner determines that it is not economical to maintain the sign, makes a written request to the Region for compensation for the non-conforming sign under hardship acquisition less the cost of re-erection or re-building rather than re-erect or re-build the sign.
6. Submits the request for a vandalized non-conforming sign acquisition to the Region.

Responsibility: Region/District Permits Officer

7. Transmits the request to the Outdoor Advertising Coordinator to have him appraise and acquire the sign, if he decides the request is valid.

8. When a sign for which a violation notice was issued has been corrected, notifies the Outdoor Advertising Coordinator, in writing of satisfactory correction of the sign violation; sends a copy of the memo to both the sign owner and the landowner.

Responsibility: Outdoor Advertising Coordinator

9. When a sign is in violation the Outdoor Advertising Coordinator, at his discretion, may at any time send a violation notice to the sign owner and/or landowner, and forward a copy of subject violation notice to the Region/District for follow up by the same.

Outdoor Advertising Sign Inventory**UDOT 08A3-3.7**

Responsibility: Region/District Permits Officer

Actions

1. Determines that a sign is conforming and needs to be inventoried.
2. Takes three photographs of the sign and labels them showing the date, county, route, reference point, and inventory number assigned to the sign. (Inventory numbers shall run in consecutive order.)
3. Photos should show all pertinent information, i.e., identification panel and surrounding area, such as fences, trees, buildings, etc.
4. Completes Highway Beautification Commercial Sign Inventory.
5. Retains original inventory and one picture for the Region/District files.

Maintaining Correct Inventory List of Outdoor Advertising Signs**UDOT 08A3-3.8****Responsibility:** Region/District Permits Officer**Actions**

1. Checks the Region/District inventory list and the sign site by county, route, and milepost to determine which controlled signs have not been inventoried prior to May 9, 1967.
2. Requests from the sign owner sufficient information to initiate an investigation on the sign history including land owner affidavits, lease agreements, or persons having knowledge of the area and any other information that would help to verify the sign's existence as of October 22, 1965, (Federal Law) or May 9, 1967 (the effective date of the Utah Law).
3. Upon completing his investigation and gathering the facts, files a written report with the Region Director/District Engineer setting forth his recommendation either to have the sign added to the inventory list or not to have it added (includes written explanation if sign is not to be added to the inventory).

Responsibility: Region Director/District Engineer

4. Reviews the report and the inventory sheet, and if he concurs with the recommendation, sends the report to the Highway Beautification Coordinator indicating his concurrence.

Responsibility: Highway Beautification Coordinator

5. Sends the report to the Federal Highway Administration; upon receiving FHWA approval of the report, sends written authorization to the Region Director/District Engineer to add the sign to the inventory list and to have the Region/District Permits Officer re-photograph the signs showing the Region/District information board in the photograph, including the assigned State sign number.

Responsibility: Region/District Permits Officer

6. Proceeds in accordance with the Region Director/District Engineer's instructions; if the report was approved, completes the inventory sheet and sends a new photograph to the Highway Beautification Coordinator for attachment to the investigation inventory sheet.

7. Proceeds to have the sign owner obtain a Utah Department of Transportation Business License on Form R-34, a building permit from the city, and a 3-year permit on UDOT Form R-299 in accordance with the procedure for obtaining them.

Responsibility: Highway Beautification Coordinator

8. Transmits the new inventory sheet to Information Systems Services for programming.

Responsibility: Information Systems Services

9. Returns the inventory sheet to the Highway Beautification Coordinator for his filing, upon completion of the programming.

Responsibility: Highway Beautification Coordinator

10. Places the inventory sheet in the statewide inventory according to Region, route, milepost, and county, along with the investigation record.

**Determination of Current Inventory Numbers of
Outdoor Advertising Signs****UDOT 08A3-3.9****Responsibility:** Region/District Permits Officer**Actions**

1. Upon determination by surveillance that a conforming sign can be permitted, assigns an inventory number to the sign at the time of approval of the application as a new conforming sign.
2. Determines the last assigned number, prepares and keeps an inventory log of unassigned numbers, running in consecutive order for the control of outdoor advertising signs.
3. Makes a proper notation of the date, route, reference point, county, and the sign owner the sign was assigned to; places the inventory number on the proper record documents prior to distribution.
 1. Sign inventory number
 2. Sign permit serial number
 3. Route
 4. Reference point
 5. County
 6. Project number
4. Signs, dates, and makes proper distribution of all documents and correspondence.

Use of Federal-Aid Project and Authority Numbers for Outdoor Advertising Sign Inventory and Sign Removals **UDOT 08-A3-3.10**

Responsibility: Region Director/District Engineer

Actions

1. Administers Region/District personnel charges of the use of Federal-aid project and authority numbers used for acquisition and removal of outdoor advertising signs.

Responsibility: Region/District Permits Officer

2. Charges against the proper Federal-aid project and authority numbers for work performed on signs controlled on the Interstate or Federal-aid primary systems in relation to the removal of illegal or non-conforming outdoor advertising signs.
3. Requests Region Director/District Engineer's approval to charge time and equipment against Federal-aid project and authority numbers.

Responsibility: Region Director/District Engineer

4. Evaluates the request, approves or disapproves it, and/or makes recommendation on what action needs to be taken.

Responsibility: Region/District Permits Officer

5. Follows the instructions of the Region Director/District Engineer in the use of Federal-aid project and authority numbers.

**Control and Identification of Documents and Correspondence for
Outdoor Advertising Signs**

UDOT 08A3-3.11

Responsibility: Region/District Permits Officer

Actions

1. Document forms and correspondence with the following information:
 1. Sign inventory number
 2. Sign permit serial number
 3. Route
 4. Reference point
 5. County
 6. Project number
2. Signs, dates and makes proper distribution of all documents and correspondence.

Hearing on Outdoor Advertising Sign Disputes**UDOT 08A3-3.12**

Responsibility: Applicant

Actions

1. When cited by the Department under Section 27-12-136.9 of the Utah Code, serves upon the Region/District Permits Officer a written appeal for a formal hearing.

Responsibility: Region/District Permits Officer

2. Upon any request for a hearing by the sign owner or land owner, supplies him with a copy of 27-12-136.5, 27-12-136.6, 27-12-136.7 and 27-12-136.8, Utah Outdoor Advertising Controls and Rules, 1994, for use in the preparation of an appeal; checks the written appeal to insure that it includes the statement of pleadings required by Rules 5, 6, 7 and 8.
3. If the request for the hearing is incomplete, returns it to the applicant with proper explanation of the need for correction and filing with the 15-day notice period.
4. Upon receiving proper request for a hearing, arranges the date, time and location of the hearing.
5. Gives written notice to the sign owner or land owner of the date, time and location of the hearing.
6. Compiles all original, pertinent information regarding the sign, including inventory sheets, photographs, notices, correspondence and notes for the hearing.

Responsibility: Utah Department of Transportation Administration

7. Conducts the hearing as provided in the procedural rules for formal hearings.

Responsibility: Region/District Permits Officer

8. Appears at hearing fully prepared to testify regarding any activity and documentation on the sign.
9. Retains the records, exhibits, and transcript information, pending the Department's decision.

10. Upon receiving the findings, conclusions and decisions of the Department, furnishes a copy of this information to the Region/District Director and the Attorney General's Office.
11. Mails copy of Department decision by certified mail to the sign owner or land owner.

Preparation for Court Action on Outdoor Advertising Signs**UDOT 08A3-3.13****Responsibility:** Region/District Permits Officer**Actions**

1. Reviews with the Region Director/District Engineer the issues in the pending court trial, the file and the documents.
2. Requests specific instructions from the Region Director/District Engineer.

Responsibility: Region Director/District Engineer

3. Makes specific recommendations to the Region/District Permits Officer.
4. Reviews the Permits Officer's readiness for trial proceedings, the summary sheet, and the file; takes appropriate action.
5. If the trial is to be handled by the Attorney General's Office, reviews the case with the designated Attorney General, and arranges for a pre-trial conference with the Region Director/District Engineer, the Region/District Permits Officer, and the Attorney General.

Responsibility: Region Director/District Engineer and Region/District Permits Officer

6. If the trial is to be handled by a county attorney, reviews the case file, the summary sheet, and the Region/District file with the county attorney at a pre-trial conference at least three days prior to the trial.
7. The general guidelines for trial preparation are as follows:

Guidelines for Procedure 08A3-3.13

The following guidelines are not intended to be followed mechanically by the Permits Officer, but are merely suggested methods of preparing a case for trial or a hearing before the Transportation Commission.

A certain amount of latitude should be recognized as permissible in the enforcement of the Utah Outdoor Advertising Act, 1994, since each case must be handled on its own facts.

In law enforcement the man in the field will be required to exercise his good judgment within the limits of the Act itself, the regulations of the Commission, and the guidelines prepared and submitted to you from time to time.

One cardinal rule that all Permits Officers must follow is to make a written record, immediately, of any conversations, or factual data which in any way or manner affect the status, history, or condition of any outdoor advertising structure and that written notice be given immediately to the owner of any sign or structure whose condition or legal status may be subject to correction or question.

Where photographs can document the condition or status of any given sign or structure, a complete photographic record should be kept and maintained. All photographs should be carefully documented as to:

1. Person taking photo (initials backside of photo).
2. Date on which taken.
3. Location, route, reference point, and county.
4. Permit number of sign, if one is in existence.
5. Direction from which taken (be able to orient, from testimony, anyone looking at the photograph).

Keep a diary, noting in it conversations, observations, action taken with reference to sign control activities each day.

Note 1: This information to be shown on information board within each photograph.

Providing Administrative Guidance to Regions Regarding Outdoor Advertising Signs

UDOT 08A3-3.14

Responsibility: Region

Actions

1. Determines the need for guidance or assistance on outdoor advertising sign matters.
2. Requests assistance from the Outdoor Advertising Coordinator, and supplies all essential facts and descriptions pertaining to the issue.

Responsibility: Outdoor Advertising Coordinator

3. Researches the information given, then recommends to the Region action to be taken to satisfy the request.
4. Makes himself/herself available for consultation at the request of the Region.